

Remarks

Claims 1 - 20 are pending in this application.

Claim 1 and 20 have been amended to further define component (V), the active ingredient. Support for this amendment is found in paragraph [0065] on page 14 of the specification.

Specification

The disclosure was objected to because of the informalities in paragraphs [0014] and [0020]. In particular, the Examiner questioned whether "oxygen radicals" fell within the definition of F or Y.

It is the Applicant's intention to list oxygen radicals as a choice for the selection of Y. To more clearly represent this, Applicant has amended paragraphs [0014] and [0020] to place oxygen radicals as the first listed in the choices for the selection of Y.

In paragraph [0040], the Examiner questioned the compound, "aaa-trifluoro-m-toluidine". This was a typo in the original specification. Correction has been made to the specification to delete "aaa" in this compound name.

Claim Rejections 35 U.S.C. 112

Claims 1 - 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the phrase "(i.e. amine, hydroxyl)" was deemed to be a narrower statement of the range/limitation of the claim.

Applicant has deleted the phrase "(i.e. amine, hydroxyl)" from the claim, and respectfully submits that the claim now complies with 35 U.S.C. 112, second paragraph.

The Examiner further asserts that the definition of "oxygen radical" is not known. Applicant has amended claim 1 to reposition this definition within the claim, similarly as in the specification, as described above. Applicant respectfully submits the claim now reads to clearly define that the Y substituents of the formula in claim 1 can be oxygen radicals as a possible selection.

Rejections under 35 U.S.C. 102

In the 3-31-2003 office action, claims 1, 2, 4, 5, 7-13, 19 and 20 were rejected as being anticipated by U.S. 5,017,297 to Spyropoulos et. al. (item 7).

Applicant has amended claim 1 to further define the active ingredient (component V) as selected from sunscreens, fragrances, vitamins, drugs, antiperspirant salts, and α -hydroxy acids. Applicant notes that the Examiner acknowledges in the section entitled *Allowable Subject Matter* of the 3-31-03 office action;

Spyropoulos does not teach or suggest the use of the emulsion in personal care compositions and thus does not teach active ingredients such as sunscreens or fragrances.

Thus, Applicant respectfully submits that the presently amended claims patentably distinguish from the Spyropoulos patent.

Rejections under 35 U.S.C. 103

Claims 14 was rejected as being unpatentable over Spyropoulos (U.S. 5,017,297).

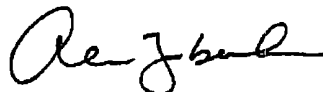
Applicant has amended claim 1, as described above. As claim 14 depends from claim 1, Applicant respectfully submits the present claims are non-obvious over Spyropoulos (U.S. 5,017,297).

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims at an early date is solicited.

The present response is being submitted within the six-month statutory period for response to the outstanding Office Action. Applicant hereby authorizes the USPTO to charge deposit account 04-1520 for a one-month extension, and any other fees necessary, to maintain the pendency of the application.

Respectfully submitted,

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